

January 3, 2008

VIA ELECTRONIC FILING
& HAND DELIVERED ORIGINAL

Mr. Charles Terreni, Chief Clerk
Public Service Commission of South Carolina
Synergy Business Park, Saluda Building
101 Executive Center Drive
Columbia, SC 29210

2008 JAN 3 PM 3:31
RECEIVED
SC PUBLIC SERVICE
COMMISSION
1001 MAIN STREET, SUITE 1200
POST OFFICE BOX 944
COLUMBIA, SOUTH CAROLINA 29202
PH (803) 744-8900 I (803) 227-1102 direct
FAX (803) 252-0724 I (803) 744-1551 direct
bshealy@robinsonlaw.com

**Re: Joint Petition for Arbitration of NewSouth Communications Corp., et al.
with BellSouth Telecommunications, Inc.
Docket No. 2005-57-C**

Dear Mr. Terreni:

Pursuant to Commission Order No. 2007-441 dated July 3, 2007, the assets and operations of the Xspedius operating entities in South Carolina were consolidated and transferred to Time Warner Telecom of South Carolina, LLC. Time Warner Telecom has reached a resolution with BellSouth Telecommunications of all issues submitted for arbitration in the above referenced docket. Therefore, we respectfully submit the enclosed Notice of Withdrawal from Arbitration on behalf of Xspedius. An original and two copies are included for filing. Please date-stamp the extra copy provided as proof of filing and return it with our courier. By copy of this letter we are serving copies of the same on all parties of record. If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.


Bonnie D. Shealy

/tch
Enclosure

cc/enc: Ms. Carolyn Ridley, Vice President - Regulatory Affairs (via email & US Mail)
Garret R. Hargrave, Esquire (via email & US Mail)
John J. Heitmann, Esquire (via email & US Mail)
David F. Butler, Esquire (via email & US Mail)
Patrick W. Turner, Esquire (via email & US Mail)
John J. Pringle, Esquire (via email & US Mail)
Florence P. Belser, Esquire (via email & US Mail)
Nanette S. Edwards, Esquire (via email & US Mail)

THIS DOCUMENT IS AN EXACT DUPLICATE, WITH THE EXCEPTION OF THE
FORM OF THE SIGNATURE, OF THE E-FILED COPY SUBMITTED TO THE
COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

JOINT PETITION FOR ARBITRATION OF
NEWSOUTH COMMUNICATIONS CORP., NUVOX
COMMUNICATIONS, INC., KMC TELECOM V, INC.,
KMC TELECOM III LLC, AND XSPEDIUS
[AFFILIATES] OF AN INTERCONNECTION
AGREEMENT WITH BILLSOUTH
TELECOMMUNICATIONS, INC. PURSUANT TO
SECTION 252(B) OF THE COMMUNICATIONS ACT
OF 1934, AS AMENDED

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2005-57-C

(Please type or print)

Submitted by: Bonnie D. ShealySC Bar Number: 11125

Address: Robinson, McFadden & Moore, P.C.
PO Box 944
Columbia, SC 29202

Telephone: (803) 779-8900Fax: (803) 252-0724

Other: _____

Email: bshealy@robinsonlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: _____

| INDUSTRY (Check one) | NATURE OF ACTION (Check all that apply) | | | |
|--|--|--|--|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request | |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certificatio | |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation | |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement | |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment | |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter | |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response | |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery | |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition | |
| <input checked="" type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation | |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena | |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff | |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input checked="" type="checkbox"/> Other: Notice of Withdrawal from Arbitration | |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | | |

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SC PUBLIC SERVICE
COMMISSION

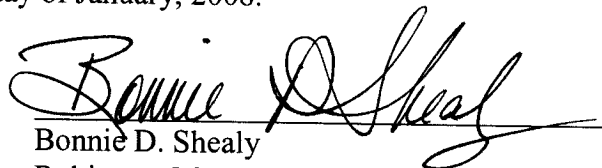
**JOINT PETITION FOR ARBITRATION OF NEWSOUTH
COMMUNICATIONS CORP., NUVOX COMMUNICATIONS,
INC., KMC TELECOM V, INC., KMC TELECOM III LLC,
AND XSPEDIUS [AFFILIATES] OF AN
INTERCONNECTION AGREEMENT WITH BELL SOUTH
TELECOMMUNICATIONS, INC. PURSUANT TO
SECTION 252(b) OF THE COMMUNICATIONS ACT OF 1934,
AS AMENDED**

XPEDIUS NOTICE OF WITHDRAWAL FROM ARBITRATION

Xspedius Communications, LLC, by and for its operating subsidiaries named in this proceeding (“Xspedius”),¹ respectfully serves notice of its withdrawal, with prejudice, from participation in the joint petition filed in this docket for arbitration of certain issues arising from negotiation of interconnection agreements with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. § 252(b) of the Communications Act of 1934, as amended. Xspedius and AT&T (BellSouth) have reached a negotiated resolution of all issues submitted for arbitration in this proceeding. Xspedius’ withdrawal, with prejudice, shall apply only to Xspedius and does not apply to any party that remains a petitioner in this proceeding.²

² NuVox Communications remains a petitioning party in the proceeding.

Respectfully submitted this 3rd day of January, 2008.

A handwritten signature in black ink, appearing to read "Bonnie D. Shealy", written over a horizontal line.

Bonnie D. Shealy
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, SC 29202
Telephone: (803) 779-8900
Facsimile: (803) 252-0724
bshealy@robinsonlaw.com
www.robinsonlaw.com

John J. Heitmann
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
202-342-8400 (phone)
202-342-8451 (fax)

Counsel for Xspedius Communications LLC

IN RE:

Docket No.
2005-57-C

This is to certify that I, Toni C. Hawkins, a paralegal with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Xspedius Notice of Withdrawal from Arbitration** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Nanette S. Edwards, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, SC 29218

RECEIVED
2008 JAN -3 PM 3:34
SC PUBLIC SERVICE
COMMISSION

David F. Butler, Esquire
Senior Counsel
South Carolina Public Service Commission
Synergy Business Park, Saluda Building
Post Office Drawer 11649
Columbia, SC 29211

Dated at Columbia, South Carolina this 3rd day of January, 2008.



Toni C. Hawkins